

GARDNERVILLE TOWN BOARD

Minutes

February 1, 2005

- The meeting was called to order by Chairman Cook. The Pledge of Allegiance was led by Randy Slater

PRESENT:

Thomas J. Cook, Chairman
Michael W. Philips, Sr., Vice-Chairman
Randall P. Slater
Jerry L. Smith
Paul A. Lindsay

Michael S. Rowe, Town Counsel
Jennifer Roman, JWA Consulting Engineers
Jim Park, Town Manager
Jeff Summers, Maintenance Foreman
Carol Louthan, Secretary Sr.

GUESTS: A list of those present is included in the file of the February 1, 2005 meeting.

- Approval of the Agenda

Mr. Park asked to pull items 11 and 12.

Ms. Victoria Roberts would like to discuss item 11.

Chairman Cook pulled item 11 for discussion.

Motion Slater/Philips to approve the agenda with item 11 pulled for discussion and 12 pulled off the agenda. Motion carried unanimously.

- Approval of Previous Minutes
 - December 7, 2004 Regular Board Meeting

Motion Lindsay/Philips to approve the minutes of December 7, 2004. Motion carried with Jerry Smith abstaining since he was not present at that meeting.

- January 4, 2005 Regular Board Meeting

Motion by Slater/Smith to approve the minutes of January 4, 2005. Motion carried unanimously.

- Discuss Good News in Gardnerville

Mr. Cook mentioned Tony Armstrong, Mayor of Sparks, passed away last weekend. He will pass a card around for everyone to sign.

- Public Comment on Any Item Not on Tonight's Agenda-No Board Action

Ms. Victoria Roberts wanted to comment on the sidewalk issue. They are taking some of her property for the sidewalks. She has spoken with Mr. Rowe on the maintenance and liability issue. She wanted to thank the maintenance workers for the great job they did on snow removal. The snow plows did a great job in the Town. The guys worked beyond the call of duty. She appreciates that. She is hoping they will put on the agenda the requests of a moratorium on loud noisy smoky affairs in Heritage Park. She understands it is built in to have the motorcycle weekend. She hopes they will confine it to one weekend a year. The civil war she is requesting to hold them to the one weekend also. Please consider the noise factors.

CONSENT CALENDAR

Consent items may be pulled at the request of Board Members wishing to have an item or items further discussed. When items are pulled for discussion, they will be automatically placed at beginning of the Administrative Agenda. All items shall include discussion and possible action.

- **Motion to approve consent calendar.**

TOWN DEPARTMENTS

1. Accept Health and Sanitation Monthly Report

Accepted

2. Accept Public Works Monthly Report

Accepted

3. Accept Parks Department Monthly Report

Accepted

CORRESPONDENCE

4. Correspondence

Read and noted

TOWN MANAGER

5. Approve Claims for January 2005

Approved

6. Approve budget transfers for January 2005, with transfer of contingency to expenditure line items in accordance with NRS 354.

Approved

7. Ratify Town Manager's execution of a professional services agreement with Building and Site Engineering, LLC in the amount of \$16,204 for survey work on Main Street in conjunction with the Main Street sidewalks and Main Street Lighting Phase II projects, and authorize a 10% contingency

Approved

8. Accept an update on legislative issues staff is monitoring

Accepted

9. Approve a Town special event application for the Douglas County Historical Society's "Taste of Gardnerville" on August 6, 2005, 4:00 to 9:00 pm, and waive the \$100 Town fee

Approved

10. Approve a Douglas County Outdoor Festival Entertainment Event application for the above agenda item

Approved

11. Approve a Town special event application with conditions for the Silver Knights/Blue Knights motorcycle club for the Second Annual "Heritage Run" events at Heritage Park on May 21 and 22, 2005, and waive the \$100 Town fee

Note: This item was pulled for discussion by Mr. Park

12. Approve a Town special event application for the Comstock Civil War Reenactors with conditions for the Second Annual "Civil War" reenactment weekend September 1 thru October 2, 2005 at Heritage Park, and waive the \$100 Town fee

Note: Pulled from agenda.

No public comment.

Motion Smith/Slater to approve the consent calendar with item 11 pulled and 12 continued. Motion carried unanimously.

ITEMS PULLED OFF CONSENT CALENDAR:

11. Approve a Town special event application with conditions for the Silver Knights/Blue Knights motorcycle club for the Second Annual "Heritage Run" events at Heritage Park on May 21 and 22, 2005, and waive the \$100 Town fee

Mr. Park explained the Silver Knights and Blue Knights would like to come back to do an event like they had last year. All proceeds from the event go to the Susan B. Coleman Foundation. They still need to submit a Douglas County application. There will be no music after 10:00 and will be shut down by Sunday afternoon. They don't anticipate anything more than one per year.

Ms. Victoria Roberts asked for a list of names of the citizens advisory committee.

Mr. Park pointed out the Town does not have an advisory committee.

Mr. Cook felt she might be referring to the business association. They did have some input in some of the events last year.

Mr. Rowe asked that the Board's motion include the requirement they have a County application done.

No public comment.

Motion Slater/Lindsay to approve the Heritage Run subject to the Town's conditions (refer to January 3, 2005 correspondence) Motion carried unanimously.

ADMINISTRATIVE AGENDA

IF ANY ITEMS WERE PULLED FROM THE CONSENT CALENDAR, THOSE ITEMS WILL BE HEARD AT THIS POINT

TOWN ENGINEER

13. Accept Town Engineer's monthly report of activities

Mrs. Roman asked if there were any questions.

Ms. Victoria Roberts did not feel the suggested time of 15 minutes for item 20 (sidewalks) was long enough if there was a room full of people. If there is a liability it is a concern to the property owners.

14. Discussion and possible action on acceptance of street, sidewalk, lighting, and storm drain improvements for Chichester Phase 13

Mrs. Roman stated the offsite improvements were substantially completed in September of last year. They did a cursory review prior to the official walkthrough in anticipation of the official walkthrough. In the meantime the developer bonded with the County for the remainder of improvements and started pulling building permits. She received materials testing reports for the improvements in December. They were all good except for one set of concrete cylinders that didn't meet strength. Usually if the concrete doesn't meet strength they would core. Due to the length of time elapsed since it was installed she would assume it is at strength at this point. Since the request was put in in December they weren't able to get a look at the improvements as they stand now, snow cover and traffic. For this reason and the low concrete strength she is requesting the improvements be accepted with a condition the developer bond for 5 percent of the curb, gutter and sidewalk costs until they review how everything looks in the field. This would allow, in case the County releases the bond, the bond to be with the Town so that they would have a better say of what would be released.

Mr. Kent Neddenriep, representing Chichester Estates Joint Venture, indicated they are in agreement. They realize there is snow cover. They would like a walkthrough as soon as the snow melts. They understand there is an issue with the curb and gutter. He would like more clarification on how they resolve that. His understanding is if in one year the curb and gutter still look fine, then they would get the money back. If in one year it showed signs of failure they would replace it.

Mrs. Roman agreed.

Mr. Neddenriep believed this would be acceptable to Chichester Estates Joint Venture. Once the 5 percent bond is in place he asked if they would recommend acceptance to the County so they can get the bond from the County released.

Mrs. Roman believed that would be fine.

Mr. Smith asked how it worked if the sidewalk has to be replaced, how long is the time frame?

Mrs. Roman answered there is usually another year after it has been replaced.

No public comment.

Motion Philips/Smith to approve acceptance with the conditions the Town Engineer set forth. Motion carried unanimously.

15. Discussion and possible action on a presentation of traffic calming options

Mrs. Roman gave the Board handouts. She reviewed the Board meeting discussion in November of 2003 and the meeting with the Town of Minden. Recently Randy brought up some measures he saw in Arizona, of which she did some research.

Mr. Slater advised he had talked about an observation point, not an observatory, south of Tucson.

Mrs. Roman will add that to the list of preferred traffic calming measures once they talk with them. Jim found some of the information from the City of Tucson on the Internet and has included those in the packet. She discussed the various traffic calming methods, how other cities have approached implementing them and how Gardnerville might approach this idea.

There was further discussion on traffic calming measures, involvement of the community and implementation.

Mr. Rowe thought they might benefit from some of the information GRID has to offer since they have already done something similar.

Mr. Park pointed out this was an update. They need to get with the school transportation, the sheriff and East Fork to get their input.

Mr. Slater believed it should be in the development so it meets future needs.

Chairman Cook called for public comment.

Ms. Victoria Roberts lives by Gardnerville School. She doesn't see the speeders in Chichester. She is curious why is traffic usually at the correct speed in Chichester. It's really easy to speed through there. They have a slow speed limit there. The police are around as much as they can.

Mr. Slater believed she was fortunate she hasn't been there at the times residents are speeding.

No action needed. Update only.

TOWN MAINTENANCE FOREMAN

16. Accept Town Maintenance Foreman's monthly report of activities

Mr. Summers reported this morning the trash cans and four additional tables were delivered to Gardner Park.

Mr. Philips and Mr. Cook thanked Mr. Summers for the great job staff did with snow plowing.

Mr. Summers indicated they tried to hit most of the busy places. Everyone did a great job. All except for one person, who was on vacation, came in and worked. They took down the Christmas decorations.

Mr. Lindsay mentioned there are still ice blocks in Minden.

TOWN ATTORNEY

17. Accept Town Attorney Monthly Report of Activities

Mr. Rowe stated Jim had made a request for a draft form to use for property owners affected by a Town project. It will be hopefully adapted to smaller projects. Last Friday they met with bond council and bond representatives about general obligation bonds and requirements needed to issue a general obligation bond. That will be something Jim will report on and will probably be on the agenda later this year. He received a phone call from the 20-30 Club's attorney saying they are prepared to sit down and negotiate a lease. He pointed out to the attorney the club was told to bring back a proposal. At no time did he hear the Board authorize himself or anyone but Jim to discuss the matter. In retaliation they have withdrawn their support for the request to the County to terminate the cooperative agreement. They will just operate under the existing lease. Those are comments on matters that aren't on the agenda.

18. Discussion and possible action on acceptance of the Annual Report of Claims against the Town as required by NRS 41.0385

Mr. Rowe reviewed the annual report of claims. This year they received a new report that was quite helpful. It has a little more definition to the claims than in the past. They had three claims last year.

No public comment.

Motion Slater/Philips to accept the report and make it part of the record. Motion carried unanimously.

19. Discussion and possible action on the status of the Street Cuts and Repairs ordinance for Gardnerville and Minden requested to be codified by Douglas County in 2004, and approve staff's recommended minor revision

Mr. Rowe pointed out on August 27, 2001 he requested the current street cut policy be added to 18.06. This Thursday, February 3, 2005 they will have on the agenda the proposed new ordinance adding Chapter 18.07 to the Douglas County Code, which is a chapter they have proposed as being a chapter to include common requirements in Minden and Gardnerville. They have tentatively scheduled the second reading for March 3. There was a comment that the Town Board may waive permit fees in certain circumstances. He wrote to Robert Morris and suggested the ability of the individual Town Boards be preserved. Jim advised him by E-mail that the ordinance they submitted to the County Commission doesn't include that ability. Jim and he will appear before the Commission on Thursday to ask that that be added to the proposed 18.07. If they want to make a motion it would be to approve that they will go to the County on Thursday and say that is what the Board wants them to do.

No public comment.

Motion Slater/Lindsay to approve the appearance of Legal Counsel and the Town Manager before the County Commissioners to request the appropriate changes. Motion carried unanimously.

20. Discussion and possible action on a draft of a Town sidewalk maintenance policy

Mr. Rowe needs some direction. Jim has supplied information, including a report. In NRS there are two provisions that relate to

this discussion: Chapter 41 section 1315 and Section 278.02313.

Mr. Slater noted when he asked that question at the last meeting, until he read the Record Courier two days later, he didn't realize Mr. Rowe and he had a controversy about the snow removal. The only thing he was concerned about is when they build a sidewalk that they are not liable.

Mr. Rowe stated if they enact some sort of a provision then the Town would not have liability for failure to maintain sidewalks. That is the benefit they would have from developing a policy that would be enacted into an ordinance. They would need to develop a request to be submitted to the County. They can put it in 18.06, but he suspects the County will ask the two towns get together and develop standards they both can live with and then incorporate that into 18.07. Minden has requested and the County has adopted an ordinance relating to use, construction, repair and maintenance of sidewalks and sidewalk easements. Minden's ordinance is much broader than what they are proposing. What he is looking for is direction on what the Board wants to see.

Mr. Slater asked if the Board asked Mr. Rowe and Mr. Park, in the form of a motion, to work on an ordinance in compliance with NRS, could it be done which would alleviate the concerns that they have?

Mr. Rowe answered he would. He will put it together, get it to the Town and put it in the form of a request to the County.

Mr. Lindsay asked as it stands with NRS, the Town is liable for anything that happens on the sidewalk within the town?

Mr. Rowe believed it doesn't say the Town is liable. It says you can't impose liability on the property owner. There is a big distinction there.

Mr. Lindsay asked if they put the ordinance in place, does that mean the property owner is automatically liable?

Mr. Rowe answered the owner would then have the exposure that the Town now has solely. Just because you have the ordinance doesn't mean you won't get sued over it.

Mr. Lindsay asked if by putting the ordinance in place they are giving two entities to go after in a lawsuit?

Mr. Rowe agreed, but there are instances where the property owner should be liable. If the owner is maintaining activity that is hazardous, or creates a hazard, they should have the liability. As a result of the discussion last month, he felt they just wanted to bring it back and get the direction from the Board as to what they wanted to see. He will bring it back in March.

Chairman Cook called for public comment.

Ms. Victoria Roberts lives on a corner and the Town's beautification project affects her property. Her late husband planted some roses. She wants to know who will tear the roses out and remove them. Secondly, where Toiyabe runs into Toler, the very corner where the sidewalk is, how does Douglas County interact with the Town on the sidewalk?

Mr. Slater pointed out the County has the street. The Town is doing the sidewalk.

Ms. Roberts has a Russian olive tree that needs to be taken down. Is she going to have to pay to have the tree or roses removed?

Mr. Park explained what happened with the Phase 1 sidewalks. If they would like to move roses that are in the right-of-way, by all means they will work with the property owners. If they can't, the Town will provide those under the Town Board's contract. They are willing to get the sidewalks in and take care of the concerns of the property owners.

Ms. Roberts believed most of the residents put a lot of work in to make it look okay. She takes responsibility for sweeping the leaves out of the gutters. She chips the ice in the gutters, because if she doesn't they are left with a big flood at the end of the day when it melts. Safety of children is a concern. She was relieved when the snowplow didn't fill the gutters. They have no choice as far as the sidewalks. They will cooperate with the Town.

Mr. Park noted they are here to work with people.

Mr. Cook pointed out they are putting the sidewalk in for the children's safety.

Ms. Roberts believed there was a lot of space across the street. There is no point in arguing, they have made their decision.

Mr. Rowe did not need any action. He has the direction he needs.

TOWN MANAGER

21. Accept Town Manager's monthly report of activities

Mr. Park included a written report in Board packets.

Mr. Slater asked to have the numbers put back in Board packets. The packet is confusing.

Mr. Park mentioned the public workshop for the parking garage on February 10 has been postponed to the 24th from 10:00 to 12:00 at the town office. Kirk Streeter will come to the next staff meeting to bring everyone up to speed on problems he sees and try to work a little closer.

22. Discussion and possible action on a presentation of potential additional funding sources for Main Street Lighting Phase II and Main Street sidewalk projects including the potential issuance of Medium Term obligations and possible grant opportunities

Mr. Park stated there isn't any action necessary. This will come back at the budget hearings on the 17th. They have been working with Johnson Consulting, who was instrumental in getting bonding for this facility. He would like the Board to authorize the ability to borrow money. There is another meeting with SPPC for lights. They were looking to have that project completely ready for budget time. That will not be possible. He believed the project is between 1 to 1 ½ million dollars. Staff will request authorizing up to a 1.5 million bond, knowing they won't borrow that. It will just leave the door open. Jennifer and he had a meeting with NDOT. There is a new program that is yet to be finalized. They could look at drawing out half a million from NDOT to help with the lighting project and additional sidewalk work. Maybe they can draw a combination NDOT and bond money to do the project, or an EDA grant.

23. Discussion and possible action on providing Board direction to staff for the Fiscal Year 2005/2006 budget

Mr. Park advised every year they put in an agenda item to see if there is any information that staff needs to be aware of for the upcoming budget. Right now he is looking at keeping the tax rate the same. 1.3 million general fund budget; Health & Sanitation a little under 1.3 million. They are working with Douglas County on several staffing issues. Staff will be requesting a couple new positions. Those will be strictly in the field. They have the budget available. One will be a full time worker in H & S on trash routes; another full time position in the general fund to deal with parks and public works. He has allocated some additional funding to look at some part time seasonal people. These would be \$8.25 an hour seasonal. Janitorial, looking at taking that funding and turning that into another part time person, a lot like Minden has. Capital projects, looking at overlays in Carson Valley Estates, debt service for a proposed bond, another 100,000 for second phase of Main Street sidewalks. Those would be the main projects. They will need to purchase another service truck for the general fund. He is also requesting the Board dig into the reserves in H & S and look towards purchasing an additional side loader. There is money to do that. Tentatively, even after purchasing that truck and hiring additional people, there will be roughly under a quarter million in capital reserves. He has done a 10-year projection on revenues and expenditures. There is allocation for grounds equipment, satellite maintenance facility. Eventually the front building at the present maintenance facility might have to come out and get another building along the one side; more covered parking; landscape area might need to go away for storage. There will be four more community parks when Virginia Ranch is finished, Arbor Gardens will have a 100 foot wide developed park all the way down between Muller and the adjacent area. If the Board would like to give some input, please come in and let him know.

No public comment.

No action taken.

Motion Smith/Slater to adjourn the meeting at 6:36 p.m. Motion carried unanimously.

Respectfully Submitted,

Thomas J. Cook
Chairman

Jim Park
Clerk to the Board